

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
Civil Action No. 5:21-cv-00419-M

BRITTNEY L. WOODY,

Plaintiff,

v.

ASTON CARTER, formerly Aerotek, Inc.,

Defendant.

ORDER

This matter comes before the court on Defendants Aerotek Holdings, LLC and Aerotek Inc.’s Motion to Dismiss Complaint [DE 14]. Pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), the Honorable Brian S. Meyers, United States Magistrate Judge, issued a Memorandum and Recommendation (“M&R”), recommending that this court deny in part and deny without prejudice in part Defendant’s motion and permit Plaintiff to file an amended complaint. DE 30. No party has filed an objection to the recommendation,<sup>1</sup> but Plaintiff filed an Amended Complaint on February 28, 2023.

A magistrate judge’s recommendation carries no presumptive weight. The court “may accept, reject, or modify, in whole or in part, the . . . recommendation[ ] . . . receive further evidence or recommit the matter to the magistrate judge with instructions.” 28 U.S.C. § 636(b)(1); *accord Mathews v. Weber*, 423 U.S. 261, 271 (1976). The court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection

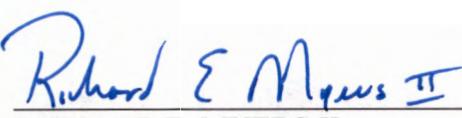
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<sup>1</sup> Judge Meyers issued the M&R on February 15, 2023. Objections were due to be filed on or before March 1, 2023. *See* DE 30 at 10.

is made.” *Id.* § 636(b)(1). Without timely objection, de novo review is unnecessary, and a district court need only check for clear error on the face of the record to accept the magistrate judge’s recommendation. *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing 28 U.S.C. § 636(b)(1)). Upon careful review of the record, “the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1).

Upon careful review of the M&R and the record presented, and finding no clear error, the court ADOPTS the recommendation of the magistrate judge as its own. For the reasons stated therein, Defendant’s motion to dismiss [DE 14] is DENIED IN PART AND DENIED WITHOUT PREJUDICE AS MOOT, and the court accepts as filed Plaintiff’s Amended Complaint (DE 31). The Clerk of the Court is directed to conform the case docket and modify the name of the Defendant company to “ASTON CARTER, formerly Aerotek, Inc.” as set forth in the caption above. Defendant shall respond to the Amended Complaint in accordance with Rule 15 of the Federal Rules of Civil Procedure.

SO ORDERED this 2<sup>d</sup> day of March, 2023.

  
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RICHARD E. MYERS II  
CHIEF UNITED STATES DISTRICT JUDGE